

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	§ Group Art Unit: 3628
Rodriguez et al.	§ Confirmation No.: 2337
	§ Examiner: Robinson Boyce, Akiba K.
Serial No.: 09/704,569	§
	§ Attorney Docket No. AUS920000488US1
	§
Filed: November 3, 2000	§
	§ IBM Corporation
Title: System and Method for Automating	§ Intellectual Property Law Dept.
Travel Agent Operations	§ 11400 Burnet Road
	§ Austin, Texas 78758
	§

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Leslie A. Van Leeuwen, Reg. No. 42,196	Date

**APPELLANTS' REPLY BRIEF (37 CFR 1.193)**

Sir:

**A. INTRODUCTORY COMMENTS**

Appellants now present this Reply Brief in response to the Examiner's Answer of August 2, 2007 and make the following responses to the Examiner's arguments. Appellants' Reply Brief responds to several of the arguments made by the Examiner in the Examiner's Answer. For a full discussion of Appellants' arguments, see Appellants' Appeal Brief, filed April 16, 2007.

No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and the undersigned hereby authorizes the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0447.

**B. ARGUMENTS**1. Claims 1, 3, 18, 20, 28, and 30 Are Not Anticipated By Chong

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). Chong fails to anticipate the presently claimed invention because it fails to show all of the elements of the claimed invention. Chong purports to teach a three-node online meeting planning system (see Chong, Abstract). In contrast, Appellants teach and claim a method, system, and computer program product for performing various automated tasks based upon a user's travel arrangements, such as canceling a user's mail delivery and/or changing voice mail messages.

Appellants respectfully submit that Chong does not teach “*scheduling the travel arrangements* using a computer system,” and then “sending one or more automated requests *corresponding to the travel arrangements* from the computer system to one or more service agents, wherein the automated requests are based on a traveler's user profile, and wherein at least one of the service agents are selected from the group consisting of a delivery service agent, a telephone system, an electronic calendar system, and a medical information system,” as taught and claimed by Appellants in independent claims 1, 18, and 28. The Examiner's Answer cites Chong at paragraph [0027] and page 6, col. 1, step 4 as teaching these elements (see Examiner's Answer, pages 3-4 and 16-17). However, the cited section of Chong in paragraph [0027] discusses a meeting planner accessing the “schedules of key attendees” for purposes of determining a meeting date. Determining a meeting date and/or location is not the same as *scheduling travel arrangements* using a computer system, as taught and claimed by Appellants. The cited section of Chong at page 6, col. 1, step 4 is a table that lists Meeting Planner Software Features. Feature 4 reads as follows:

4. Service Requests/Orders

- A. Generates detailed service requests for any vendor based on entered data.
- B. Tracks status of service requests, annotations, change orders, replies.
- C. Generates purchase confirmations and vouchers via e-mail in real-time.

This section of Chong does not read on Appellants' claimed element of sending one or more automated service requests. Appellants specifically claim that the automated service requests 1. correspond to the travel arrangements, 2. are sent from the computer system (i.e. the computer system on which the travel arrangements have been made) to one or more service agents, and 3. are based on a user's travel profile. The cited section of Chong simply does not teach an automated service request that meets all of these claim limitations. In fact, the cited section of Chong does not really say much at all about Service Requests/Orders. The Service Requests/Orders feature is never mentioned anywhere else in Chong, other than in this table of Meeting Planner Software Features. There is absolutely no discussion of this feature in Chong, and it is difficult to determine the purpose of this feature. Appellants refer to the Appeal Brief filed April 16, 2007 for a full discussion as to why Appellants believe it is difficult to determine with any degree of certainty exactly what is meant by Chong's reference to generating "detailed service requests for any vendor based on entered data." The Examiner's Answer states that the generation of service requests as shown on page 6, col. 1, step 4 of Chong is "based on entered data," and that the entered data must correspond to the data discussed in paragraph [0027] of Chong (see Examiner's Answer, page 17). However, Appellants find no basis for this assumption. The table shown on page 6, col. 1, step 4 of Chong does not specify what is meant by "entered data."

It appears that the cited sections of Chong merely discuss selecting event dates and locations (see Chong, paragraph [0027]), and then sending some type of request to a service vendor who will presumably be providing services at the event (see Chong, page 6, col. 1, step 4). Further, the service requests mentioned in Chong do not appear to be "based on a traveler's user profile," as taught and claimed by Appellants. In fact, Chong's service requests do not appear to have anything to do with a particular user and his or her travel arrangements. Although the Examiner's Answer points to paragraph [0027] and tries to make the case that the same data that is entered for an employee is used to enter a service request for a vendor, there is simply no support for this assertion in Chong's specification.

Chong does not teach "*scheduling the travel arrangements*" using a computer system," and then "sending one or more automated requests *corresponding to the travel arrangements*

from the computer system to one or more service agents, wherein the automated requests are *based on a traveler's user profile*, and wherein at least one of the service agents are selected from the group consisting of a delivery service agent, a telephone system, an electronic calendar system, and a medical information system," as taught and claimed by Appellants in independent claims 1, 18, and 28. Based on the above discussion, Appellants respectfully submit that independent claims 1, 18, and 28 are not anticipated by Chong. Claim 3 depends from claim 1, claim 20 depends from claim 18, and claim 30 depends from claim 28, and thus are patentable for at least the reasons discussed above. Therefore, Appellants respectfully submit that claims 1, 3, 18, 20, 28, and 30 are not anticipated by Chong, and respectfully request that the rejections to these claims be overturned.

## 2. Claims 25, 35, and 41 Are Patentable Over Chong In View Of Gershman

Claims 25, 35, and 41 depend from independent claims 18, 28, and 1, respectively, and are patentable for at least the reasons discussed above with regard to independent claims 1, 18, and 28.

Gershman purports to teach the use of a wireless device with Internet Protocol capabilities to provide a portable portal into the Internet (see Gershman, Abstract). Appellants respectfully submit that Gershman does not teach or suggest "receiving the automated request at the electronic calendar system," and then "updating an electronic calendar maintained by the electronic calendar system with information related to the travel arrangements," as taught and claimed by Appellants. The Examiner's Answer cites Gershman at col. 10, line 58 through col. 11, line 21 as disclosing these aspects of Appellants' claims (see Examiner's Answer, page 18). The cited section of Gershman appears to disclose an agent, i.e. BackgroundFinder (BF), that helps an individual prepare for a meeting. The BF agent receives input text from a calendar program that indicates the time of the meeting, along with other information, such as the title, body, participants, location, etc. Using this information, BF queries various sources of information on the web to obtain information about the meeting. This information is stored in a file that can be selected from a link in the calendar system.

As discussed in Appellants' Appeal Brief, Gershman does not appear to have anything to do with receiving an automated request at an electronic calendar system, as taught and claimed

by Appellants. Keep in mind that the “automated request” claimed by Appellants is defined in the independent claims as being an automated request “corresponding to the travel arrangements” and “based on a traveler’s user profile.” As further defined by the independent claims, the “automated request” claimed by Appellants is sent “from the computer system” on which the travel arrangements were scheduled. As discussed above and in Appellants’ Appeal Brief, Chong does not disclose “sending one or more automated requests *corresponding to the travel arrangements* from the computer system to one or more service agents, wherein the automated requests are *based on a traveler’s user* profile . . .” Nor does Gershman teach, or even suggest, receiving such an automated request at an electronic calendar system, as taught and claimed by Appellants.

Gershman also does not teach or suggest “updating an electronic calendar maintained by the electronic calendar system with information *related to the travel arrangements*,” as taught and claimed by Appellants. As noted in the Examiner’s Answer on page 18, Gershman may update a calendar system with information pertaining to an upcoming meeting, however, Gershman does not update an electronic calendar with information related to the travel arrangements that have been made for a user, as taught and claimed by Appellants in claims 25, 35, and 41. Rather, Gershman appears to be concerned with updating an electronic calendar with information relating to the topic or participants involved in a meeting. As noted by Gershman, information related to the meeting “is utilized to query various sources of information on the web and obtain relevant stories about the current meeting to send back to the calendaring system” (Gershman, col. 11, lines 5-8). Gershman gives the example of a meeting pertaining to a dispute between two companies, where a calendaring system is updated with stories regarding the two companies and their dispute in order “to prepare the user for the target meeting” (Gershman, col. 11, lines 8-21). While interesting, this is simply not the same as updating an electronic calendar with information relating to a user’s travel arrangements, as taught and claimed by Appellants.

Neither Chong, nor Gershman, nor a combination of the two teaches or suggests Appellants’ invention as claimed. For the reasons set forth above, Appellants respectfully submit that claims 25, 35, and 41 are patentable over Chong in view of Gershman, and respectfully request that the rejections of these claims under 35 U.S.C. § 103 be overturned.

3. Claims 4-10, 21-23, And 31-33 Are Patentable Over Chong In View Of Levine

Claims 4-10, 21-23, and 31-33 each depend, either directly or ultimately, from one of Appellants' independent claims, and are therefore patentable for at least the reasons discussed above with regard to Appellants' independent claims. Claims 4-10, 21-23, and 31-33 add further limitations regarding various types of service agents and automated requests.

Regarding claims 4-6, 21, and 31, the Examiner's Answer states that "holding packages for customer pickup, delivering packages on a future date and leaving packages with a neighbor are obvious . . . and these types of requests are common and standard in postal operations" (see Examiner's Answer, page 19). However, the cited section of Levine does not mention anything about *automated requests*, and certainly does not teach or suggest the various types of automated requests as taught and claimed by Appellants in claims 4-6, 21, and 31. As discussed in Appellants' Appeal Brief, Levine is simply describing a prior art system for determining how best to route parcels *over the road system* from one point to another. Therefore, Appellants respectfully submit that claims 4-6, 21, and 31 are patentable over Chong in view of Levine.

Regarding claims 7, 22, and 32, which include the additional limitation of "wherein sending automated requests include configuring instructions corresponding to a telephone," Appellants note that Levine is not concerned with configuring the telephone itself, but, rather, with assigning a functional property code to the telephone (or other device), so that the FP code can be used at a later point in time to route items between points within the network. Assigning an FP code to a device is not the same as "sending automated requests" including "*configuring instructions* corresponding to a telephone," as taught and claimed by Appellants.

As further claimed by Appellants in claims 8-10, 23, and 33, the configuring may include registering the telephone with an e-mail system, changing a voicemail greeting, etc. There is nothing in Levine that discloses this type of configuring. Rather, Levine allows an FP code to be assigned to a telephone or other device. Levine does not teach or suggest "sending automated requests" including "*configuring instructions* corresponding to a telephone," as taught and claimed by Appellants. The Examiner's Answer asks the question "in order to register a telephone with an e-mail system, would it not be helpful to configure the telephone so items can be routed between points within the network since this is how e-mail functions?" (see Examiner's Answer, page 20). However, Appellants respectfully submit that this is not the

relevant question. The relevant question is whether or not assigning an FP code to a telephone as disclosed by Levine teaches or suggests Appellants' claim elements of "sending automated requests" including "*configuring instructions* corresponding to a telephone," where the configuring may include registering the telephone with an e-mail system, changing a voicemail greeting, etc. As discussed in Appellants' Appeal Brief, Levine does not teach or suggest these claim elements, and therefore, Appellants respectfully submit that claims 7-10, 22, 23, 32, and 33 are patentable over Chong in view of Levine.

For the reasons set forth above, Appellants respectfully submit that claims 4-10, 21-23, and 31-33 are patentable over Chong in view of Levine, and respectfully request that they be allowed.

#### 4. Claims 14, 15, 27, And 37 Are Patentable Over Chong In View Of Berman

Claim 14 depends from independent claim 1, and claim 15 depends from claim 14. Claim 27 depends from independent claim 18, and claim 37 depends from independent claim 28. Therefore, claims 14, 15, 27, and 37 are patentable for at least the reasons discussed above with regard to independent claims 1, 18, and 28.

Claim 14 further includes the limitations of "receiving the automated request at the medical information system," and "downloading destination related medical information to a computing device that is accessible by a user in response to the received request." Keep in mind that claim 14 depends from claim 1, which specifically claims sending "automated requests corresponding to the travel arrangements," and further claims that "the automated requests are based on a traveler's user profile." As discussed above and in Appellants' Appeal Brief, Chong does not disclose "sending one or more automated requests *corresponding to the travel arrangements* from the computer system to one or more service agents, wherein the automated requests are *based on a traveler's user profile* . . ." Further, the sections of Berman cited by the Examiner's Answer do not have anything to do with travel-related automated requests as taught and claimed by Appellants. In particular, the Examiner's Answer cites Berman at col. 12, lines 24-35 as disclosing "retrieving e-mail addresses for sponsoring systems in a medical environment," and then makes the assertion that "[i]n this case, the e-mail addresses correspond to the destination to which the information will be sent" (Examiner's Answer, page 21).

However, this is not what Appellants are claiming. Appellants specifically claim downloading destination related medical information, i.e. medical information that pertains to a particular destination, such as the destination to which the user is traveling. Appellants also specifically claim that this destination related medical information is downloaded to a computing device that is accessible by a user in response to the received request. Further, the received request is the request that is claimed in the independent claims, which is the automated request that corresponds to the travel arrangements and is based on a traveler's user profile. Berman simply does not disclose any such requests. The cited sections of Berman merely disclose retrieving the e-mail address of a sponsoring system, and do not appear to have anything to do with downloading destination related medical information in response to receiving a travel related automated request.

Because Berman does not teach or suggest the elements claimed by Appellants in claim 14, Appellants respectfully submit that claim 14, and claim 15, which depends from claim 14, are patentable over Chong in view of Berman. Claims 27 and 37 also claim "downloading destination related medical information . . .," and are therefore patentable for at least the reasons discussed above with regard to claims 14 and 15.

For the reasons set forth above, Appellants respectfully submit that claims 14, 15, 27, and 37 are patentable over Chong in view of Berman, and respectfully request that they be allowed.

#### 5. Claims 38-40 Are Patentable Over Chong In View Of Felger

Claim 38 depends from independent claim 1, claim 39 depends from independent claim 18, and claim 40 depends from independent claim 28. Thus, claims 38-40 are patentable for at least the reasons discussed above with regard to independent claims 1, 18, and 28.

As discussed in Appellants' Appeal Brief, Appellants claim a method, system, and computer program product for "increasing a user's electronic wallet balance and decreasing a user's bank account balance" as one of many possible *travel-related automatic requests*. Note that claims 38-40 each depend from an independent claim that specifically claims "automated requests corresponding to the travel arrangements," and further claims that "the automated requests are based on a traveler's user profile." As discussed above and in Appellants' Appeal Brief, Chong does not disclose "sending one or more automated requests *corresponding to the*



*travel arrangements* from the computer system to one or more service agents, wherein the automated requests are *based on a traveler's user* profile . . .” Further, Felger is concerned with billing for communication sessions, and not with automated requests pertaining to travel arrangements, as taught and claimed by Appellants. Felger does not teach or suggest that *a travel-related automatic request* increases a user’s electronic wallet balance and decreases a user’s bank account balance, as taught and claimed by Appellants. Therefore, Appellants respectfully submit that claims 38-40 are patentable over Chong in view of Felger.

### **Conclusion**

For the foregoing reasons, Appellants submit that claims 1, 3-10, 14, 15, 18, 20-23, 25, 27, 28, 30-33, 35, and 37-41 are patentable over the cited prior art. Accordingly, Appellants respectfully requests that the Examiner’s claim rejections be reversed and claims 1, 3-10, 14, 15, 18, 20-23, 25, 27, 28, 30-33, 35, and 37-41 be allowed.

Respectfully submitted,

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